

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|--------------------------------|---|------------------------------|
| RONALD W. HYDE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| |) | |
| vs. |) | CASE NO. 3:12-0364 |
| |) | JUDGE TRAUGER/KNOWLES |
| |) | |
| WARDEN LEIBACH, |) | |
| UNIT MANAGER T. COOPER, |) | |
| |) | |
| Defendants. |) | |

REPORT AND RECOMMENDATION

The pro se Plaintiff has submitted a letter to the “Clerk of the Court,” the body of which states as follows:

I want to cancel all lawsuits that I have pending against Metro Davidson County Detention Facility, CCA. All lawsuits by me are null and void.

Docket No. 18.

According to his Complaint, Plaintiff is incarcerated at the Metro Davidson County Detention Facility in Nashville. Docket No. 1, p. 2. While neither the Detention Facility nor CCA (presumably Corrections Corporation of America) is a Defendant in this action, it is clear that Plaintiff’s Complaint relates to his incarceration at that facility. The two Defendants in this action, Warden Leibach and Unit Manager T. Cooper, are alleged to be employed by the Detention Facility. *Id.*, p. 4. Additionally, Plaintiff’s “Statement of Facts” in his Complaint states as follows:

Health Hazard There is black mold on the walls around window

and bunks in segregation unit. There is very little ventilation inside the cells. Black mold can hospitalize you if you breath it for to long. When pointed out to unit manager and warden all they did was paint over it. That does not help solve the problem at all. I did 14 days inside of one the cells. If it is in one pod it has to be every where in the facility. It is not just a hazard to inmate, but also staff members. Warden Leibach told Unit Manager Cooper to paint over it and let it go. Unit Manager Cooper did what she was told. Another problem is ventilation inside of the segregation cells. The 2 different cells that I was in did not have any exhaust vents. The one vent that they do have blows air in and does not pull it back out.

Id., p. 5.

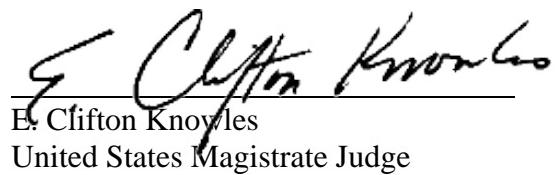
Fed. R. Civ. P. 41(a)(1)(A) provides that a Plaintiff may dismiss an action without a Court Order by filing a Notice of Dismissal before the opposing party serves either an Answer or a Motion for Summary Judgment. Defendants, however, have previously filed an Answer. Docket No. 17.

Fed. R. Civ. P. 41(a)(2) provides in relevant part, “Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.”

It seems clear that Plaintiff wishes to dismiss this action. The undersigned recommends, therefore, that the instant letter (Docket No. 18) be treated as a Motion for Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a)(2), and that that Motion be GRANTED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of

service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge